

Oklahoma Gas and Electric Company (“OG&E”) submits this Motion to Dismiss Sierra Club’s Complaint in Intervention, and states as follows:

1. On September 6, 2013, OG&E filed its Motion to Dismiss the Government’s Complaint. (Dkt. No. 10.)
2. On September 13, 2013, Sierra Club filed its Motion to Intervene in this matter. (Dkt. No. 12.)
3. On September 16, 2013, the Court set a briefing schedule on the Motion to Dismiss which requires the Government to file its response no later than October 11, 2013, and OG&E’s reply is due no later than November 1, 2013. (Dkt. No. 15.)
4. On September 18, 2013, the Court granted Sierra Club’s Motion to Intervene. (Dkt. No. 16.)
5. On September 19, 2013, Sierra Club filed its Complaint in Intervention. (Dkt. No. 17.) Sierra Club’s Complaint in Intervention and the Government’s Complaint are substantially similar and in many instances, identical. Both Complaints contain virtually identical causes of action and seek declaratory relief.
6. Sierra Club’s Complaint in Intervention should be dismissed for the reasons detailed in OG&E’s Motion to Dismiss, Brief in Support of its Motion to Dismiss, and attached Exhibits, all of which OG&E incorporates herein. (Dkt. No. 10.)

WHEREFORE, OG&E respectfully requests that this Court dismiss Sierra Club's Complaint in Intervention for the same reasons outlined in its Motion to Dismiss the Government's Complaint, Brief in Support of its Motion to Dismiss, and attached Exhibits, filed on September 6, 2013.

Date: September 20, 2013

Respectfully Submitted,

s/ Brian J. Murray

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2013 I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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